

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

KEITH D. RUDOLPH

Plaintiff,

vs.

MOBIS ALABAMA, LLC,

Defendant.

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CASE NO.: 2:06-cv-994-ID

REPORT OF PARTIES' PLANNING MEETING

1. **Appearances.** Pursuant to Federal Rule of Civil Procedure 26(f), a meeting was held on December 11, 2006 by telephone and was attended by:

Allen Arnold
Arendall & Associates
Attorney for Plaintiff Keith Rudolph

Henry C. Barnett, Jr.
Capell & Howard, P.C.
Attorney for Defendant Mobis Alabama LLC

2. **Pre-Discovery Disclosures.** The parties will exchange by January 30, 2007 the information required by Federal Rules of Civil Procedure 26(a)(1).
3. **Discovery Plan.** The parties jointly propose to the court the following discovery plan:
- a. Discovery will be needed on the following subjects:
1. All information pertaining to Plaintiff's claims and damages.
 2. All information pertaining to Defendant's defenses.
 3. Facts known to other persons believed to have discoverable information relevant to the claims and defenses of the parties.
 4. Facts relating to affirmative defenses.

- b. All discovery commenced in time to be completed by April 28, 2008.
- c. There will be a maximum of fifty (50) interrogatories including sub-parts by each party to any other party. Responses due 30 days after service.
- d. There will be a maximum of fifty (50) requests for production by each party to any other party. Responses due 30 days after service.
- e. There will be a maximum of fifty (50) requests for admission by each party to any other party. Responses due by 30 days after service.
- f. The parties agree that no more than ten (10) depositions may be taken by a party without leave of the court or agreement of the parties. Except as stated below, each deposition is limited to a maximum of 7 hours unless extended by agreement of the parties. The parties disagree on a reasonable number of hours for the Plaintiff's deposition and that of Defendant's 30(b)(6) representative. Plaintiff contends that 7 hours is sufficient and Defendant believes 10 hours might be needed. Counsel will attempt to resolve this point at the time of the depositions without involvement of the Court.
- g. Reports from retained experts under Rule 26(a)(2) will be due:
from Plaintiff by February 28, 2008
from Defendant by March 17, 2008
- h. Supplementations under Rule 26(e) are due within fourteen (14) days of when a party learns that in some material respect the information disclosed is incomplete or incorrect and if the additional corrective information has not otherwise been made known to other parties in the discovery process or in writing.

4. **Other Items.**

a. **Scheduling Conference**

The parties do not request a conference with the court before entry of the scheduling order.

b. **Pretrial Conference**

The parties request a pretrial conference on or about May 12, 2008.

c. **Additional Parties, Claims and Defenses**

Plaintiff should be allowed until March 13, 2007 to join additional parties and to amend the pleadings.

Defendant should be allowed until April 10, 2007 to join additional parties and to amend the pleadings.

d. **Dispositive Motions**

All potentially dispositive motions should be filed by February 12, 2008.

e. **Settlement**

Parties will evaluate settlement possibilities on a continuing basis.

A face-to-face settlement conference should take place by March 4, 2008.

Plaintiff is to file a Notice Concerning Settlement Conference and Mediation by March 10, 2008.

f. **Trial Evidence**

The final list of witnesses and trial evidence under Rule 26(a)(3) should be due May 27, 2008.

The Parties should have fourteen (14) days after service to list objections under Rule 26(a)(3).

Identification of responsive parts to depositions should be due by June 3, 2008.

Voir dire questions, motions in limine fully briefed, and any proposed jury instructions should be due by June 9, 2008.

g. **Trial Date**

The case should be ready for trial by June 23, 2008 and at this time is expected to take approximately five (5) days.

Respectfully submitted on this the 13th day of December, 2006.

s/ Henry C. Barnett, Jr.
HENRY C. BARNETT, JR. (BAR037)
ATTORNEY FOR DEFENDANT
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s/Allen D. Arnold
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Allen D. Arnold
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